

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

HONG WANG,

Plaintiff,

v.

**1:18-CV-350
(FJS/DJS)**

**PRECISION EXTRUSION, INC. and
PEXCO, LLC,**

Defendants.

APPEARANCES

OF COUNSEL

**MELTZER, LIPPE, GOLDSTEIN
& BREITSTONE, LLP**

190 Willis Avenue
Mineola, New York 11501
Attorneys for Plaintiff

ASISH NELLUVELY, ESQ.

**FITZGERALD MORRIS BAKER
FIRTH, P.C.**

68 Warrant Street
Glens Falls, New York 12801
Attorneys for Plaintiff

JOHN D. ASPLAND, ESQ.

BARCLAY DAMON LLP

80 State Street
Albany, New York 12207
Attorneys for Defendants

BRIENNA L. CHRISTIANO, ESQ.

**MONACO COOPER LAMME &
CARR, PLLC**

1881 Western Avenue, suite 200
Albany, New York 12203
Attorneys for Defendants

ADAM H. COOPER, ESQ.

NELSON MULLINS

201 17TH Street NW
Suite 1700
Atlanta, Georgia 30363
Attorneys for Defendants

GREGORY MICHAEL O'NEIL, ESQ.

**MARTIN, HARDING &
MAZZOTTI, LLP**

1 Wall Street
Albany, New York 12205
Attorneys for Defendants

MATTHEW J. DILLON, ESQ.

BESTPASS, INC.

500 New Karner Road, Suite 5
Albany, New York 12205
Attorneys for Defendants

WILLIAM J. DECAIRE, ESQ.

SCULLIN, Senior Judge

ORDER

Plaintiff filed her complaint against Defendants on March 20, 2018. *See* Dkt. No. 1. In a Memorandum-Decision and Order dated June 26, 2018, this Court, among other things, dismissed Plaintiff's Fourth, Sixth, Eighth, Tenth, Twelfth, and Fourteenth Causes of Action, all of which were based on alleged violations of New York Executive Law and found that, because Plaintiff's First, Second, Third, Fifth, Seventh, Ninth, Eleventh, Thirteenth, and Fifteenth Causes of Action were subject to mandatory arbitration pursuant to Section 17 of Plaintiff's Employment agreement, those claims must proceed through arbitration. *See generally* Dkt. No. 31.

Defendants now petition the Court pursuant to the Federal Arbitration Act, 9 U.S.C. § 9 (the "FAA") to confirm an Arbitration Award and Decision dated April 24, 2020, in which the Arbitrator dismissed all claims of discrimination, hostile work environment and retaliation that Plaintiff Hong Wong had brought against Defendants under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, the Age Discrimination in Employment Act, 29 U.S.C. § 621, and 42 U.S.C. § 1981, and ordered relief on other related arbitration claims between the parties as fully described in the Award and Decision. *See* Dkt. No. 43. Plaintiff did not file any papers in opposition to Defendants' motion.

"[T]he confirmation of an arbitration award is a summary proceeding that merely makes what is already a final arbitration award a judgment of the court." *New York City Dist. Council of Carpenters Pension Fund v. Par Flooring Co.*, No. 04 Civ. 8486 RJH, 2005 WL 525451, *1 (S.D.N.Y. Mar. 3, 2005) (quoting *Florasynt, Inc. v. Pickholz*, 750 F.2d 171, 176 (2d Cir. 1984)). Pursuant to § 9 of the FAA, "upon timely application by any party, a court *must* grant an order to confirm an arbitration award unless the award is vacated, modified, or corrected as prescribed in §§ 10 and 11 of the FAA." *Id.* (citing *Marsillo v. Geniton*, No. 03 Civ. 2117 (TPG), 2004 WL 1207925, at *4 (S.D.N.Y. June 1, 2004)).

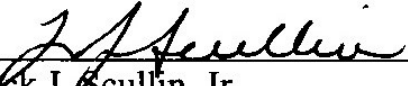
In this case, Defendants petitioned the Court to confirm the arbitration award on April 23, 2021, within one-year of the date of the arbitration award as § 9 of the FAA requires. Furthermore, none of the parties to the award made an application to vacate, modify or correct the Award and Decision and the time to do so has expired. *See* 9 U.S.C. § 12. Finally, Plaintiff did not oppose Defendants' motion to confirm the arbitration award within the time she was required to do so. Accordingly, the Court hereby

ORDERS that Defendants' motion to confirm the arbitration award in all respects, *see* Dkt. No. 43, is **GRANTED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED.

Dated: January 26, 2022
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge